

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GWENDA ARZATE,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

No. 1:14-CV-3007-LRS

**ORDER GRANTING
DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT,
*INTER ALIA***

BEFORE THE COURT is the Report and Recommendation (ECF No. 29) filed by United States Magistrate Judge Victor E. Bianchini recommending affirmance of the Commissioner's decision denying Supplemental Security Income (SSI) benefits to the Plaintiff.

Under the Federal Magistrates Act, the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

Plaintiff has filed objections (ECF No. 30), to which the Commissioner has filed a response (ECF No. 31). In conjunction with its review of the foregoing, the court has also reviewed the summary judgment motions filed by the parties (ECF Nos. 19 and 22), and the Plaintiff's Reply Memorandum (ECF No. 26), which the

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1 Magistrate Judge considered in preparing his Report and Recommendation.

2 This court finds no error in the manner in which the Magistrate Judge
3 analyzed the assessments of Dr. Bellum and concluded that: 1) notwithstanding
4 Dr. Bellum's March 2010 assessment, substantial evidence, including his March
5 2011 assessment, supported the ALJ's determination that Plaintiff's wrist
6 tendinitis did not cause more than minimal limitation in Plaintiff's ability to
7 perform basic work activities and therefore, was a non-severe impairment; and 2)
8 notwithstanding his March 2011 assessment, substantial evidence, including his
9 March 2010 assessment, supported and did not undermine the ALJ's
10 determination regarding Plaintiff's physical residual functional capacity. The
11 Magistrate Judge correctly found that both of Dr. Bellum's assessments were
12 relevant and inconsistent with each other, although not ambiguous. The court
13 finds no error with regard to any other aspect of the Magistrate Judge's report and
14 recommendation.

15 Accordingly, the court **ADOPTS** the Magistrate Judge's Report and
16 Recommendation and:

17 1) Plaintiff's Motion For Summary Judgment (ECF No. 19) is **DENIED**.

18 2) Defendant's Motion For Summary Judgment (ECF No. 22) is
19 **GRANTED**.

20 3) The Commissioner's decision is **AFFIRMED**.

21 **IT IS SO ORDERED.** The District Executive shall enter judgment
22 accordingly and forward copies of the judgment and this order to counsel of record
23 and to Magistrate Judge Bianchini.

24 **DATED** this 14th day of October, 2015.

25 *s/Lonny R. Suko*

26 _____
27 LONNY R. SUKO
28 Senior United States District Judge

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